



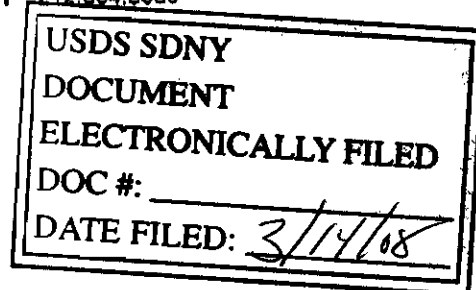
## MEMO ENDORSED

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March 14, 2008  
VIA FACSIMILE (212-805-7949)

The Honorable P. Kevin Castel  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007



Re: The Associated Press v. All Headline News Corp., et al., 1:08-CV-323 (PKC)

Dear Judge Castel:

We are counsel of record for The Associated Press ("AP"), plaintiff in the above-captioned action. We are writing in response to the Court's memo endorsement, filed March 7, 2008, on the March 6, 2008 letter of Eric A. Prager, Esq., counsel for defendants All Headline News Corp., AHN Media Corp., W. Jeffrey Brown and Danielle George. By its memo endorsement, the Court deemed defendants' partial motion to dismiss withdrawn and asked AP to make a request for a motion schedule by March 14, 2008. It is our understanding from the memo endorsement that the Court will grant defendants leave to refile their withdrawn partial motion to dismiss at the initial conference, which is now scheduled for April 18, 2008.

AP is suffering substantial and continuing injury from defendants' copyright and trademark violations and misappropriation of AP's "hot news." We therefore believe it is appropriate to set an accelerated briefing schedule for the motion, once it is refiled. Assuming that the papers on the refiled motion are the same as those originally served, we propose the following briefing schedule:

Papers in opposition to the motion to be served by April 23, 2008

Reply papers in support of the motion (if any) to be served by May 5, 2008

We believe that this is a case in which oral argument will be useful to the Court's decision of the motion and request that the Court schedule oral argument as soon as practicable after May 5, 2008.

As the Court may have noted, defendants did not move to dismiss the entire complaint. In particular, their withdrawn motion did not seek dismissal of Count II of AP's Complaint, which alleges copyright infringement, to the extent that claim is asserted against defendants All Headline News Corp. and AHN Media Corp. Given the lack of legal objection to Count II, the fact that the initial conference is not to take place for more than a month, and the injury currently



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being suffered by AP from the corporate defendants' copyright infringement, there is no reason to delay commencement of discovery on Count II. AP therefore respectfully requests that the Court issue an order, pursuant to Fed R. Civ. P. 26(d), authorizing the parties to immediately commence discovery with respect to the claims of Count II and any defenses that the corporate defendants intend to assert to that Count.

Respectfully yours,

Andrew L. Deutsch

cc: Eric A. Prager, Esq. (counsel for defendants) (via fax)

*In assessing the matter, it would be useful to know plaintiff's position on the proposed motion. Often, as a result of the airing of positions motion practice becomes unnecessary. Plaintiff may submit a 5 page letter by March 20. Initial Conference will be advanced from April 18 to March 20, 2008 at 11:30am. Applicant under Rule 26(d) denied without prejudice. SO ORDERED  
 J. Blum, USDJ  
 3-14-08*